

Title 12: CONSERVATION
Chapter 423-A: MINIMUM LOT SIZE

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Title 12: CONSERVATION
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§4807. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms shall have the following meanings. [1973, c. 411, §1 (NEW).]

1. Multiple unit housing. "Multiple unit housing" shall mean a structure or structures located on a single lot, which structures are designed or used to house 2 or more families.

[1973, c. 411, §1 (NEW) .]

1-A. Engineered disposal system. "Engineered disposal system" means a subsurface wastewater disposal system designed, installed and operated as a single unit to treat and dispose of at least 2,000 gallons of wastewater per day or a system designed to be capable of treating wastewater with significantly high 5-day biochemical oxygen demand and total suspended solid concentrations.

[2003, c. 308, §1 (NEW) .]

1-B. First-time subsurface waste disposal system. "First-time subsurface waste disposal system" means the first subsurface waste disposal system designed to serve a specific structure.

[2003, c. 308, §1 (NEW) .]

2. Other land use activity. "Other land use activity" includes any commercial or industrial uses or combination of such uses.

[1973, c. 411, §1 (NEW) .]

3. Person. "Person" means any individual, corporation, firm, partnership, municipality, quasi-municipal corporation, state or federal agency or any other legal entity.

[1973, c. 411, §1 (NEW) .]

4. Single family residential unit. "Single family residential unit" means any structure of any kind, including mobile homes, used or designed to house a single family, and shall include those structures used permanently and seasonally.

[1973, c. 411, §1 (NEW) .]

5. Subsurface waste disposal. "Subsurface waste disposal" means any system for disposing of wastes or waste waters on or beneath the surface of the earth including, but not limited to, holding ponds, surface spraying, septic tanks, drainage fields and wells, but shall not include any discharge or the waste treatment system related thereto licensed under Title 38, section 413 or any discharge into a municipal or quasi-municipal sewer system.

[1973, c. 411, §1 (NEW) .]

6. Waste. "Waste" means any liquefied sewage, garbage, sewage sludge, chemical, biological or radiological materials, human body wastes, or any other refuse or effluent in a liquid form generated from domestic, commercial or industrial activities, except any wastes containing insufficient liquid to be free flowing and wastes generated from agricultural activities or animal husbandry.

[1973, c. 411, §1 (NEW) .]

SECTION HISTORY

1973, c. 411, §1 (NEW). 2003, c. 308, §1 (AMD).

§4807-A. MINIMUM LOT SIZE REQUIRED

In all areas of the State, notwithstanding any other provision of state or local law or regulation, no person shall: [1973, c. 411, §1 (NEW).]

1. Dispose of waste from any single family residential unit by means of subsurface waste disposal unless such lot of land on which such single family residential unit is located contains at least 20,000 square feet; and if the lot abuts a lake, pond, stream, river or tidal area, it shall further have a minimum frontage of 100 feet on such body of water;

[1973, c. 411, §1 (NEW) .]

2. Dispose of wastes by means of subsurface waste disposal from any multiple unit housing or any other land use activity which may generate wastes in excess of the waste disposal requirements of normal single family residential units, unless such multiple unit housing or other land use activity is located on a lot of a size and minimum frontage which is greater than the requirements stated in subsection 1 in the same proportion as the actual waste disposal requirements of the multiple unit housing or other land use activities is greater than that of a single family residential unit. For purposes of computing such proportions, the amount of sewage generated by and the waste disposal requirement of such activities or land uses shall be deemed to be:

A. Single family residential unit, 300 gallons per day; [1973, c. 411, §1 (NEW).]

B. Multiple unit housing, 120 gallons per bedroom; [1973, c. 411, §1 (NEW).]

C. Other land use activity, actual measurement or computation of waste generated or likely to be generated. [1973, c. 411, §1 (NEW).]

[1973, c. 411, §1 (NEW) .]

SECTION HISTORY

1973, c. 411, §1 (NEW).

§4807-B. APPROVAL OF SMALLER LOTS

1. Approval by local plumbing inspector. A lot of less than the size required in section 4807-A may be used for subsurface waste disposal if approved in writing by the local plumbing inspector for the municipality or unorganized territory, as long as:

A. The applicant has submitted a current application for subsurface wastewater disposal, or the equivalent, pursuant to rules adopted by the Department of Health and Human Services; [2003, c. 308, §2 (NEW); 2003, c. 689, Pt. B, §6 (REV).]

B. The subsurface waste disposal meets the criteria for first-time subsurface waste disposal systems as adopted by rule by the Department of Health and Human Services without requiring a variance; and [2003, c. 308, §2 (NEW); 2003, c. 689, Pt. B, §6 (REV).]

C. The subsurface waste disposal is not an engineered disposal system. [2003, c. 308, §2 (NEW).]

[2003, c. 308, §2 (NEW); 2003, c. 689, Pt. B, §6 (REV).]

2. Approval by Department of Health and Human Services. A lot that does not meet the criteria listed in subsection 1 may be used for subsurface waste disposal if the subsurface waste disposal is in compliance with the rules regarding subsurface waste disposal adopted by the Department of Health and Human Services and is approved in writing by the Department of Health and Human Services.

[2003, c. 308, §2 (NEW); 2003, c. 689, Pt. B, §6 (REV).]

3. Review fee. The Department of Health and Human Services or the municipality or unorganized territory may charge a review fee not to exceed \$50.

[2003, c. 308, §2 (NEW); 2003, c. 689, Pt. B, §6 (REV).]

SECTION HISTORY

1973, c. 411, §1 (NEW). 1985, c. 481, §A21 (AMD). 2003, c. 308, §2 (RPR). 2003, c. 689, §B6 (REV).

§4807-C. APPROVAL OF LESSER FRONTAGE

A lot of less than the frontage required in section 4807-A may be used for subsurface waste disposal if approved in writing by the Department of Human Services. Approval must be granted if the applicant for approval demonstrates to the Department of Human Services that such frontage will not cause such lot to be of such configuration as to prevent compliance with the standards in section 4807-B, or not otherwise present any harm to public health, safety or general welfare. [1991, c. 824, Pt. A, §20 (AMD).]

SECTION HISTORY

1973, c. 411, §1 (NEW). 1985, c. 481, §A22 (AMD). 1991, c. 824, §A20 (AMD).

§4807-D. EXEMPTIONS

This chapter as to the use of a lot for single family residential purposes shall not apply to any lot which prior to January 1, 1970, was specifically described as an identifiable and separate lot either in the instrument conveying such lot to the then owner or in a valid and enforceable agreement for purchase and sale or was shown on a plan recorded in accordance with law, prior to January 1, 1970; provided that contiguous lots in the same ownership on or after October 3, 1973 shall be considered as one lot for the purposes hereof. [1973, c. 651, (NEW).]

This chapter shall not apply to any structure in existence and in place on or before October 3, 1973, which then or theretofore disposed of wastes by means of subsurface waste disposal; except that no person shall reduce the size of the lot upon which such structure is located to a size or frontage less than that allowed by section 4807-A unless permitted pursuant to section 4807-B. [1973, c. 651, (AMD).]

SECTION HISTORY

1973, c. 411, §1 (NEW). 1973, c. 651, (AMD).

§4807-E. APPEAL (REPEALED)

SECTION HISTORY

1973, c. 411, §1 (NEW). 1977, c. 300, §6 (RP).

§4807-F. REGULATIONS; FEES**(REPEALED)**

SECTION HISTORY

1973, c. 411, §1 (NEW). 1973, c. 712, §2 (RP).

§4807-G. VIOLATIONS

Each day of violation of any provision of this chapter or the rules enacted under this chapter is considered a separate offense. Alternatively, and in addition to being an offense, any use of land in violation of this chapter is considered to be a nuisance and the Department of Health and Human Services may seek an injunction to prevent or abate a violation of this chapter or rules adopted under this chapter. [1995, c. 462, Pt. A, §31 (AMD); 2003, c. 689, Pt. B, §6 (REV).]

SECTION HISTORY

1973, c. 411, §1 (NEW). 1977, c. 300, §7 (RPR). 1995, c. 462, §A31 (AMD). 2003, c. 689, §B6 (REV).

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